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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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7 DELPHINE ALLEN, et al.,
8 Plaintiffs,

9 v.

10 CITY OF OAKLAND, et al.,
11 Defendants.
12

MASTER CASE FILE
NO. C00-4599 TEH

ORDER RE: DEFENDANTS'
OCTOBER 26, 2012 RESPONSE
TO COURT ORDER

13 On October 26, 2012, Defendants filed a timely response to this Court's October 18,
14 2012 order requiring Defendants to investigate the integrity of their email system after Chief
15 of Police Howard Jordan asserted that he did not receive two emails from the Monitor.
16 Defendants' response provides an explanation as to why those two emails were not received,
17 but it raises another issue. Based on the declarations filed by Defendants, all email messages
18 sent to Chief Jordan between October 27, 2011, and October 19, 2012, with any of four
19 phrases in the subject line – "Stop the Excessive Police Force," "Respect the Press Pass,"
20 "Occupy Oakland," or "Police brutality" – were automatically routed to a junk mail folder.
21 The Monitor's emails, as well as an email from the Mayor's Chief of Staff, appear to have
22 been so routed, along with over 400 other emails. It is not clear from the declarations
23 whether anyone has sorted through these messages to ensure that no legitimate complaints or
24 messages containing other important information were ignored.

25 Accordingly, with good cause appearing, IT IS HEREBY ORDERED that the
26 Monitor shall immediately investigate whether the Department has adequately reviewed and
27 responded to these messages. In addition, Defendants shall work with the Monitor to ensure
28 the systematic review of any email messages sorted as junk mail by any similar rules

1 currently enabled or that may be put into place in the future on the Chief's or any other City
2 email accounts. The Monitor shall notify the Court of any corrective action that may be
3 required.

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5 **IT IS SO ORDERED.**

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7 Dated: 11/06/12



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT